

# Waste electrical and electronic equipment (WEEE). Recast

2008/0241(COD) - 03/02/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 580 votes to 37, with 22 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast).

It adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) amending the Commission's proposal as follows:

Purpose and scope: Parliament reintroduced in the recitals of the Directive a reference to the principles of Directive 2008/98/EC on waste which lays down, among other things, an environmentally friendly five-stage waste hierarchy. The Directive should contribute to sustainable production and recovery by requiring all operators involved in product life cycles to improve their environmental standards.

The Directive should apply to all electrical and electronic equipment. It should not apply to:

- large-scale fixed installations;
- large-scale stationary industrial tools;
- non-road mobile machinery intended exclusively for professional users;
- means of transport for persons or goods;
- photovoltaic modules.

No later than five years after the entry into force of the Directive, and every five years, thereafter, the Commission shall submit a report examining the scope of this Directive to the European Parliament and the Council, in particular whether photovoltaic modules should be included in its scope. The report on photovoltaic modules shall assess in particular effective collection and recycling rates achieved. Where appropriate, on the basis of that report, the Commission shall submit a proposal.

Separate collection: Member States shall ensure that household WEEE, in particular mercury-containing lamps, and small appliances, is separately collected and not mixed with bulky or unsorted household waste, and that untreated WEEE is not sent to landfill or incineration.

Elimination and transport of collected WEEE: Parliament considers that effective follow-up is required in order to avoid the elimination of WEEE that is not collected and sorted separately.

In order to maximise re-use of whole appliances, Member States shall ensure that collection schemes provide for the segregation of reusable appliances from separately collected WEEE at the collection points, prior to any transportation.

Collection rate: Parliament considers that Member States should ensure that, as of 2016, a minimum of 85% of WEEE that is generated in the Member State is collected (the Commission proposed a figure of 65%).

Each Member State shall ensure that as of 2012 at least 4 kg/capita of WEEE is collected or the same amount of WEEE in weight as was collected in that Member State in 2010, whichever is greater.

Member States shall ensure that the volume of WEEE collected is gradually increased during the years 2012 to 2016. Member States may set more ambitious individual collection targets and shall in such a case report this to the Commission.

The collection targets shall be achieved annually. Member States shall present their improvement plans to the Commission no later than 18 months after the entry into force of the Directive.

To establish that the minimum collection rate has been achieved, Member States shall ensure that information on WEEE that has been: i) prepared for re-use or sent to treatment facilities by any actor, ii) taken to collection facilities; iii) taken to distributors; iv) separately collected by producers or third parties acting on their behalf, or v) separately collected via other means is communicated to the Member States free of charge on an annual basis.

By 31 December 2012 at the latest, the Commission shall adopt, by means of delegated acts, a common methodology to determine the amount of WEEE generated by weight in each Member State. This shall include detailed rules on the application and calculation methods for verifying compliance with the targets.

Treatment: the Commission shall ensure that harmonised standards are developed for the collection, storage, transport, treatment, recycling and repair of WEEE as well as preparation for re-use. To that end, the Commission shall in particular, within 12 months of entry into force of this Directive, commission the European Committee for Standardisation to take the necessary steps.

The collection, storage, transport, treatment, recycling and repair of WEEE as well as preparation for re-use shall be conducted with an approach geared to preserving raw materials and shall aim at recycling valuable resources contained in WEEE with regard to ensuring better commodities supply within Europe.

The Commission shall adopt, by means of delegated amendments to Annex II. The Commission shall evaluate whether amendments to Annex II are necessary to address relevant nanomaterials.

Shipments of WEEE: Parliament considers that exporters must submit, before and after shipments, conclusive evidence that treatment and recovery standards in the country of reception are equivalent.

Member States shall not permit the shipment of any item of WEEE intended for re-use unless it has been certified by an identified individual or corporate body to be in full working order and bears a label to this effect.

Recycling and re-use targets: Parliament proposes a simplified system involving six categories of WEEE instead of 10. Depending on the category to which it belongs, 75% to 85% of WEEE should be recovered and 50% to 75% recycled.

According to the Members, reusable equipment should be separated from other electrical and electronic waste and a target of 5% for re-use should apply to the appropriate categories.

Storage, sorting and pre-processing operations at recovery facilities shall not be included in calculating whether the targets have been met.

Costs relating to WEEE from households: to increase the collection rate, it is important to have local authorities, or any other operators required by law to act as collection points, organise awareness-raising campaigns, door-to-door collection events and other activities designed to collect as much as possible.

The costs associated with these actions should be fully covered according to the polluter pays principle, the polluters being the producers, retailers and consumers, but not the general taxpayers.

An amendment stipulates that the financial guarantee in respect of the end of life of products should be calculated to ensure the internalisation of the real end-of-life costs of a producer's product, taking into account treatment and recycling standards. In order to make possible a harmonised approach to compliance with the financial guarantee requirements, the Commission shall, no later than 12 months after the entry into force of the Directive, establish the minimum requirements and methodology for calculating the level of these guarantees, and establish guidelines for their verification and auditing.

Information for users: in order to raise users' awareness, Member States shall ensure that distributors put in place appropriate collection and awareness schemes for very small volume waste. Such collection schemes shall: a) enable end-users to discard this kind of waste at an accessible and visible collection point in the retailer's shop; b) require retailers to take back very small volume WEEE at no charge when supplying very small volume EEE; c) not involve any charge to end-users when discarding this waste, nor any obligation to buy a new product of the same type. The last two points shall apply to distance sellers.

Registration, information and reports: to reduce barriers to the operation of the internal market, administrative burdens should be reduced by standardising registration and reporting and by preventing multiple charges for multiple registrations in individual Member States.

A producer should no longer be required to have a legal seat in a Member State in order to be allowed to place EEE on the market in that Member State; rather, the appointment of a local legal representative resident in that Member State should be sufficient.

Identification of economic operators: Member States shall put in place systems to ensure that information is obtained to enable regulatory authorities, producers and distributors to identify: (a) any economic operator who has supplied them with EEE; (b) any economic operator to whom they have supplied EEE.

Inspection and control: Member States shall create a national register of acknowledged collection and treatment facilities. Only those facilities whose operators comply with the requirements set out in Article 8(3) shall be admitted to that national register. The contents of the register shall be made public.

Facility operators shall submit annual proof of their adherence to the requirements of the Directive in order to maintain their status as acknowledged treatment facilities.

Report: the Commission shall, by five years after the entry into force of this Directive, submit a report to the European Parliament and the Council based on experience with the application of this Directive. If appropriate, the report shall be accompanied by proposals to amend this Directive.